

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-CV-00095-FDW-DCK**

JUAN WHIPPLE,

Plaintiff,

vs.

**DAVID TROPEANO and DANIEL C.
BUCKLEY,**

Defendants.

ORDER

THIS MATTER is before the Court upon Plaintiff's Motions for Entry of Default against Defendants Daniel C. Buckley and David Tropeano, filed on June 12, 2013. (Doc. Nos. 5, 6). Plaintiff contends that Defendants have not timely answered his Complaint. In response, Defendants contends that Plaintiff failed to serve either Defendant with a copy of the Complaint. (Doc. No. 7). Upon review of the record, the Court finds that Defendants were not properly served. Accordingly, Plaintiff's Motions are DENIED.

However, Defendants have now made an appearance in this case to respond to Plaintiff's Motions and did not express in their response that the current appearance was solely for the limited purpose of challenging service of process. As such, Defendants have waived service of process. Accordingly, Defendants are hereby ORDERED to file an answer to Plaintiff's Complaint, (Doc. No. 1) within fourteen (14) days of the entry of this order.

IT IS SO ORDERED.

Signed: August 28, 2013



Frank D. Whitney
Chief United States District Judge

